

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in (1) was not written for publication and (2) is not binding precedent of the Board.

Paper 12

Filed by: Interference Trial Section Merits Panel

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAKOTO KOBAYASHI, SEIICHIRO HONJO and NORIHIRO FUJIOKA
Junior Party,
(Patent 5,522,912),

v.

TAKASHI HIROTSU, KAZUYOSHI OHTANI and TERUJI NAGAOKA
Senior Party,
(Application 08/864,923).

Patent Interference No. 104,529

Before: McKELVEY, Senior Administrative Patent Judge, SCHAFER and LEE, Administrative Patent Judges.

PER CURIUM

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of KOBAYASHI DISCLAIMER OF CLAIMS 1-8 AND 13-15 AND
REQUEST FOR ENTRY OF ADVERSE JUDGMENT (Paper 11), it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 32), the sole count in the interference, is awarded against the junior party MAKOTO KOBAYASHI, SEIICHIRO HONJO and NORIHIRO FUJIOKA.

FURTHER ORDERED that junior party, MAKOTO KOBAYASHI, SEIICHIRO HONJO and NORIHIRO FUJIOKA, is not entitled to a patent containing claims 1-18 and 13-15 (corresponding to Count 1) of application 08/864,923.

FURTHER ORDERED that a copy of this judgment be made of record in application 08/864,923 and in the file of Patent 5,522,912.

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FRED E. McKELVEY)	
Senior Administrative Patent Judge)	
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_____)	BOARD OF PATENT
RICHARD E. SCHAFER)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
JAMESON LEE)	
Administrative Patent Judge)	
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)	

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